

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BENJAMIN JAY SCHRAGGER,

Petitioner,

v.

**COMMONWEALTH OF PENNSYLVANIA,
et al.,**

Respondents.

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Civil Action No.

17-cv-4704

ORDER

This 22nd day of October, 2019, upon careful and independent consideration of Benjamin Jay Schragger's petition for writ of habeas corpus (Doc. No. 1), the Commonwealth's response in opposition (Doc. No. 30), the Petitioner's reply (Doc. No. 332), the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, and Petitioner's Objections, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. Schragger's Petition for Writ of Habeas Corpus is DENIED and DISMISSED with prejudice by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the

- constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and,
4. The Clerk of Court shall mark this file closed.

BY THE COURT:

/s/ Gerald Austin McHugh

HON. GERALD A. McHUGH
United States District Judge